

REMARKS/ARGUMENTS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims remaining in the present patent application are numbered 1-5, 7-15, 17-35 and 37-44. Claims 1-44 stand rejected. Claims 6, 16 and 36 are cancelled herein without prejudice. Claims 1-5, 7, 15, 17-26, 35 and 37-44 are amended herein. No new matter has been added herein as a result of the amendments. Support for the amendments can be found in the instant specification at least at page 7, line 2-15, and page 11, line 14, through page 12, line 8.

SPECIFICATION

The Office Action mailed September 25, 2008, hereinafter referred to as the “instant Office Action,” states that the specification is objected to as failing to provide antecedent basis for the claimed subject matter. Applicants respectfully submit that the specification, as amended herein in accordance with the suggested amendment, overcomes the objection. Moreover, Applicants respectfully submit that no new matter has been added as a result of this amendment, in part because the Claims as filed are part of the specification as filed.

CLAIM OBJECTIONS

The instant Office Action states that Claims 16 and 36-44 are objected to as including terms that lack antecedent basis. Claims 37-44 are amended herein to overcome the objections. Claims 16 and 36 are cancelled herein without prejudice. Therefore, a discussion of the objection of Claims 16 and 36 is moot at this time.

35 U.S.C. §101

The instant Office Action states that Claims 2 and 15-23 are rejected under 35 U.S.C. §101 as it is asserted that Claims 2 and 15-23 are not directed toward statutory subject matter. Applicants respectfully submit that Claims 2 and 15-23 are directed to patentable subject matter.

With regard to Claim 2, Claim 2 is amended herein to recite “[a]n electronic device for providing content to a client device.” Therefore, Applicants respectfully submit that Claim 2 is directed toward patentable subject matter, and thus overcomes the rejection under 35 U.S.C. §101.

With regard to Claims 15-23, Claim 15 is amended herein to recite “[a]n electronic device for providing streaming media content to a client device.” Claims 17-23 are similarly amended. Therefore, Applicants respectfully submit that Claims 15 and 17-23 are directed towards patentable subject matter, and thus overcome the rejection under 35 U.S.C. §101. Claim 16 is cancelled herein without prejudice. Therefore, a discussion of the rejection of Claim 16 is moot at this time. Applicants respectfully note that Claim 24 was similarly amended due to its dependence from Claim 15.

103(a) Rejections - Claims 1-7, 12-17, 22-27, 35-37 and 42-44

The instant Office Action states that Claims 1-7, 12-17, 22-27, 35-37 and 42-44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over “Development of Network Infrastructure for Transcoding Multimedia Streams” by Pranata in view of U.S. Patent No. 6,970,602 by Smith et al., hereinafter referred to as “Smith.” Claims 6, 16 and 36 are cancelled

herein without prejudice. Therefore, a discussion of the rejection of Claims 6, 16 and 36 is moot at this time. Applicants have reviewed Pranata and Smith and respectfully submit that the embodiments recited in Claims 1-5, 7, 12-15, 17, 22-27, 35, 37 and 42-44 are patentable over Pranata and Smith, alone or in combination, for at least the following rationale.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

A method of selecting a media service provider based on static resource information, said method comprising:

receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers;

maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information;

identifying a type of service that needs to be performed on an item of content requested by a client device and supplied by a content source before a service result is provided to said client device, said identifying performed at said service location manager, wherein said item of content is identified during a session with said client device, and said type of service is selected from a group of services consisting of processing said item of content and providing an analysis of said item of content;

selecting a service provider of said type of service from said plurality of service providers based on said data maintained at said service location manager, said selecting performed at said service location manager, said selecting of said service provider of said type of service further based on service session information if said service session information has been received and further based on said identifying said type of service; and

providing transfer information for transferring said session to said service provider of said type of service, wherein said service provider of said type of service performs said type of service on said item of content if said type of service is needed.

Independent Claims 2-5, 15, 25 and 35 recite similar embodiments. Claims 7 and 12-14 that depend from independent Claim 5, Claims 17 and 22-24 that depend from independent Claim 15, Claims 26 and 27 that depend from independent Claim 25, and Claims 37 and 42-44 that depend from independent Claim 35 also include these embodiments.

“As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries” including “[a]scertaining the differences between the claimed invention and the prior art” (MPEP 2141). “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious” (emphasis in original; MPEP 2141.02(I)). Applicants note that “[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art” (emphasis added; MPEP 2141(III)).

Applicants respectfully note that “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention” (emphasis in original; MPEP 2141.02(VI); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)).

First, Applicants respectfully submit that Pranata does not teach, describe or suggest “receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers” and “maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information” (emphasis added) as claimed.

Applicants understand Pranata to disclose a network service infrastructure for transcoding multimedia streams. In particular, Pranata describes the operation of a client-initiated service request under a particular architecture. Applicants understand Figure 4-5 of Pranata to disclose the architecture of the network service infrastructure for transcoding multimedia streams. Specifically, the architecture is required to include a server, a transcoder, a client, a service broker, and a lookup service (sections 4.2.3 and 4.3; pages 24-26).

Applicants understand Pranata to disclose that the service broker communicates with the lookup service to select a transcoder. Pranata recites “[t]he purpose of the service broker is to find the most appropriate transcoder for the client and then build service chain from the server to the client. It finds the transcoder using a directory which is stored in the lookup service.” Moreover, “[t]he lookup service is a directory service which stores information about transcoders, for example its address and supported formats. Since the lookup service is very

critical, it is recommended that a network has more than one lookup service” (section 4.3.5; page 26).

As described in Figure 5-8 of Pranata, the flow control of a client-initiated request includes “4. The service broker asks the lookup service a list of transcoders which may be appropriate for the client” and “5. The lookup service returns a list of transcoders. The service broker then select [sic] one which will serve the client using service brokering algorithm” (section 5.2.3.1; page 40).

Applicants respectfully submit that Pranata discloses that the service broker accesses a directory service that includes a list of transcoders. From this list, the service broker makes a selection. Therefore, Applicants respectfully submit that Pranata does not teach, describe or suggest “receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers” and “maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information” (emphasis added) as claimed.

Moreover, Applicants respectfully submit that by disclosing that the information about transcoders is stored at the lookup service and that the selection of the transcoder is made at the service broker, Applicants respectfully submit that Pranata teaches away from “receiving service

provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers” and “maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information” (emphasis added) as claimed.

Furthermore, Applicants respectfully submit that Smith does not overcome the shortcomings of Pranata. Applicants understand Smith to disclose a method and apparatus for transcoding multimedia using content analysis. Applicants respectfully submit that Smith does not teach, describe or suggest “receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers” and “maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information” (emphasis added) as claimed. In particular, Applicants respectfully submit that Smith is silent to any such teaching.

Accordingly, Applicants respectfully submit that the basis for rejecting independent Claims 1-5, 15, 25 and 35 under 35 U.S.C. § 103(a) is traversed and that, as a result, Claims 1-5, 15, 25 and 35 are in condition for allowance. Furthermore, Applicants respectfully submit that the basis for rejecting Claims 7 and 12-14 that depend from independent Claim 5, Claims 17 and

22-24 that depend from independent Claim 15, Claims 26 and 27 that depend from independent Claim 25, and Claims 37 and 42-44 that depend from independent Claim 35 under 35 U.S.C. § 103(a) is also traversed as these claims depend from allowable base claims, and consequently Claims 7, 12-14, 17, 22-24, 26, 27, 37 and 42-44 are also in condition for allowance.

103(a) Rejections - Claims 8, 18, 28 and 38

The instant Office Actions states that Claims 8, 18, 28 and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pranata in view of Smith, further in view of U.S. Patent No. 7,277,431 by Walter et al., hereinafter referred to as “Walter.” Applicants have reviewed Pranata, Smith and Walter and respectfully submit that the embodiments recited in Claims 8, 18, 28 and 38 are patentable over Pranata, Smith and Walter, alone or in combination, for at least the following rationale.

Claim 8 is dependent on independent Claim 5 and includes the recitations of independent Claim 5. Claim 18 is dependent on independent Claim 15 and includes the recitations of independent Claim 15. Claim 28 is dependent on independent Claim 25 and includes the recitations of independent Claim 25. Claim 38 is dependent on independent Claim 35 and includes the recitations of independent Claim 35. Hence, by demonstrating that independent Claim 5, 15, 25 and 35 are patentable over Pranata, Smith and Walter, it is also demonstrated that Pranata, Smith and Walter do not show or suggest the embodiments of Claims 8, 18, 28 and 38.

First, as presented above, Applicants respectfully submit that the combination of Pranata and Smith does not establish a *prima facie* case of obviousness because Pranata and Smith, as a whole, do not teach, describe or suggest “receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers” and “maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information” (emphasis added) as recited in independent Claims 5, 25 and 35, and the similar embodiment of independent Claim 15. Moreover, Applicants respectfully submit that Pranata teaches away from the claimed embodiment.

Second, Applicants respectfully submit that Walter does not overcome the shortcomings of Pranata and Smith. Applicants respectfully submit that the combination of Pranata, Smith and Walter does not establish a *prima facie* case of obviousness. Applicants understand Walter to disclose a method and apparatus for encryption or compression devices inside a storage area network fabric. In particular, Applicants respectfully submit that Walter also does not teach, describe or suggest “receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers” and “maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information” (emphasis added)

as recited in independent Claims 5, 25 and 35, and the similar embodiment of independent Claim 15.

Accordingly, Applicants respectfully submit that the basis for rejecting independent Claims 5, 15, 25 and 35 under 35 U.S.C. § 103(a) is traversed and that, as a result, Claims 5, 15, 25 and 35 are in condition for allowance. Furthermore, Applicants respectfully submit that the basis for rejecting Claim 8 that depends on independent Claim 5, Claim 18 that depends on independent Claim 15, Claim 28 that depends on independent Claim 25, and Claim 38 that depends on independent Claim 35 under 35 U.S.C. § 103(a) is also traversed as these claims depend from allowable base claims, and consequently Claims 8, 18, 28 and 38 are also in condition for allowance.

103(a) Rejections - Claims 9-11, 19-21, 24, 29-34 and 39-41

The instant Office Actions states that Claims 9-11, 19-21, 24, 29-34 and 39-41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pranata in view of Smith, further in view of “Content Services Network: The Architecture and Protocols” by Ma et al., hereinafter referred to as “Ma.” Applicants have reviewed Pranata, Smith and Ma and respectfully submit that the embodiments recited in Claims 9-11, 19-21, 24, 29-34 and 39-41 are patentable over Pranata, Smith and Ma, alone or in combination, for at least the following rationale.

Claims 9-11 are dependent on independent Claim 5 and include the recitations of independent Claim 5. Claims 19-21 and 24 are dependent on independent Claim 15 and include the recitations of independent Claim 15. Claims 29-34 are dependent on independent Claim 25

and include the recitations of independent Claim 25. Claims 39-41 are dependent on independent Claim 35 and include the recitations of independent Claim 35. Hence, by demonstrating that independent Claim 5, 15, 25 and 35 are patentable over Pranata, Smith and Ma, it is also demonstrated that Pranata, Smith and Ma do not show or suggest the embodiments of Claims 9-11, 19-21, 24, 29-34 and 39-41.

Applicants respectfully note that the instant Office Action indicates that Claim 24 is rejected for the same rationale as in Claim 14 and that Claims 32-34 are rejected for the same rationale as in Claims 12-14. However, Applicants note that Claims 12-14 are not rejected under 35 U.S.C. § 103(a) as being unpatentable over Pranata in view of Smith, further in view of Ma. Appropriate correction is respectfully requested.

First, as presented above, Applicants respectfully submit that the combination of Pranata and Smith does not establish a *prima facie* case of obviousness because Pranata and Smith, as a whole, do not teach, describe or suggest “receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers” and “maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information” (emphasis added) as recited in independent Claims 5, 25 and 35, and the similar embodiment of independent Claim 15. Moreover, Applicants respectfully submit that Pranata teaches away from the claimed embodiment.

Second, Applicants respectfully submit that Ma does not overcome the shortcomings of Pranata and Smith. Applicants respectfully submit that the combination of Pranata, Smith and Ma does not establish a *prima facie* case of obviousness. Applicants understand Ma to disclose a content services network. In particular, Applicants respectfully submit that Ma also does not teach, describe or suggest “receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers” and “maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information” (emphasis added) as recited in independent Claims 5, 25 and 35, and the similar embodiment of independent Claim 15.

Accordingly, Applicants respectfully submit that the basis for rejecting independent Claims 5, 15, 25 and 35 under 35 U.S.C. § 103(a) is traversed and that, as a result, Claims 5, 15, 25 and 35 are in condition for allowance. Furthermore, Applicants respectfully submit that the basis for rejecting Claims 9-11 that depend on independent Claim 5, Claims 19-21 and 24 that depend on independent Claim 15, Claims 29-34 that depend on independent Claim 25, and Claims 39-41 that depend on independent Claim 35 under 35 U.S.C. § 103(a) is also traversed as these claims depend from allowable base claims, and consequently Claims 9-11, 19-21, 24, 29-34 and 39-41 are also in condition for allowance.

CONCLUSION

In light of the amendments and remarks presented herein, Applicants respectfully assert that Claims 1-5, 7-15, 17-35 and 37-44 overcome the rejections of record. Therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,  
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